

Election/Restrictions

1. Claims 12-15, 18, 31 and 36 are allowable. Claims 20-22 and 26-29, previously withdrawn from consideration as a result of a restriction requirement, require all the limitations of an allowable claim. Pursuant to the procedures set forth in MPEP § 821.04(a), **the restriction requirement among inventions I and II, as set forth in the Office action mailed on 08/07/09, is hereby withdrawn** and claims 20-22 and 26-29 hereby rejoined and fully examined for patentability under 37 CFR 1.104. In view of the withdrawal of the restriction requirement, applicant(s) are advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Once the restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a communication with Tsugihiko Suzuki (Reg. No. 36,321) on 04/20/10. The application has been amended as follows:

In the claims:

Claims 32-35 have been cancelled.

Reasons for Allowance

3. The following is an examiner's statement of reasons for allowance: The claims are allowable because prior art fails to teach that the cutting member is disposed inside the container such that the cutting member is accessible from an outside of the container through the opening, in combination with other limitations set forth in claim 31.

Regarding claim 31, Grant et al. (3,217,954), hereinafter Grant, teaches a combination including a container 10, a blister package 40 received in the container and a seal-cutting apparatus 22, 24, 26, 28. The seal-cutting apparatus includes a receiving channel, the channel being at partially defined by an edge of a first surface. It should be noted that the edge of the panel 32 that faces the channel is considered to be a first surface that includes an edge. Grant also teaches that the seal-cutting apparatus includes a substantially planar second surface 35 which includes the wall that receives the blade 34. Grant also teaches a cutting member 34 located at the second surface 35 and extending toward the first surface. It should be noted that the teeth 34 at least laterally extends toward the first surface. Grant also teaches that the seal-cutting apparatus is held in the container at an opening defined in the container such that the opening entirely closed by the seal-apparatus. See Figs. 1-6 in Grant. Grant does not explicitly teach that the first surface is planar. However, the first surface as defined by edge of the panel 32 could be flat or planar in shape. It would have been obvious to a person of ordinary skill in the art to provide form the first surface of Grant's seal-cutting apparatus, flat or planar, since changing the shape of a change in form or shape is generally recognized

as being within the level of ordinary skill in the art, absent any showing of unexpected results. *In re Dailey et al.*, 149 USPQ 47. In addition, In addition, the first surface as defined by edge of the panel 32 could be flat or planar, as taught by Behrens et al. (6,145,722), hereinafter Behrens. Behrens teaches the edge of the panel or wall 24 at the slot or passage 26 is planar or flat as clearly shown in Fig. 4. It would have been obvious to a person of ordinary skill in the art to provide form the first surface of Grant's seal-cutting apparatus, flat or planar, as taught by Behrens, since both flat surface or curve surface are art-recognized equivalents that produce the same result.

However, Grant in view of Behrens does not teach that the cutting member is disposed inside the container such that the cutting member is accessible from an outside of the container through the opening, as set forth in claim 31.

None of these references by themselves or in combination with the other prior art cited teach the claimed invention set forth in claim 31.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ghassem Alie whose telephone number is (571) 272-4501. The examiner can normally be reached on Mon-Fri 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley reached on (571) 272-4502. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, SEE <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ghassem Alie/
Primary Examiner, Art Unit 3724

April 20, 2010